

COLSF 14.1 VI

February 12, 1989

(b) (6)

Colbert, WA 99005

Mr. Jim Nicoll  
Land and Natural Resources Division  
United States Department of Justice  
Tenth and Constitution Avenue  
Washington, D. C., 20530

USEPA SF



1414234

Dear Mr. Nicoll,

I am writing in behalf of the Colbert Landfill Contaminate Committee (CLCC) to comment on the consent decree entered between Washington Department of Ecology/United States EPA and Spokane County/Keytronics regarding the Colbert Landfill Superfund Site. Please accept the following concerns and recommendations as formal comments which our committee (CLCC) is submitting. We are formally requesting this set of comments be submitted to the Court in its entirety as opposed to a summary statement.

Our first concern regards lack of due process in the comment process itself. Copies of the consent decree were promised to be made available to the public in our local school and public libraries on or before January 12, 1989. The copies were not available in these locations for public review until between January 28 - 30. The public hearing sponsored by EPA/Ecology and scheduled for February 2, 1989 was cancelled due to extreme weather conditions and was actually held on February 8, 1989. These delays and the resulting lack of availability of data to the public prevent the community from acquainting themselves with the data and making a response within the previously allotted time frame. The CLCC feels most strongly that the comment period should be extended an additional two weeks thereby giving the community the necessary time it needs to reply to the consent decree.

The CLCC is concerned about the lack of appropriate language in the decree addressing the possible negative effects on the environment which may arise from the "air stripping" process. We feel there should be tighter controls over air quality and consideration should be given to removal of the contaminants, not simply diluting the contaminants - trading "dirty air" for clean water.

DEPT. OF JUSTICE

LANDS DIV.

Feb 17 1989

90-11-3-411

air stripping



4 CLCC is concerned about the "draw down" effects from pumping large volumes of water from the contaminated aquifer. CLCC feels there is inadequate protection for current residents (with wells) should the water table be adversely affected. We desire guarantees and mandated timely responses should these "draw down" experiments impinge on our current water supplies. Current language is too broad and open to misinterpretation. *draw down*

5 As a result of the well documented and well publicized contamination of wells and water supplies in our neighborhood, it is not surprising that property values, salability, rentability, etc., have been adversely affected. There is however, no language in the decree which provides any protection or redress for the most seriously injured parties, the home owners. This loss of value represents thousands of dollars for each owner. The decree should reflect this loss or potential loss and/or at least provide an alternative domestic water supply to the home owners thereby reducing the heavy stigma of "contaminated water" on our community. *property values*

6 CLCC is also formally requesting the decree instruct the involved parties to continue the partially completed loop of water mains throughout the Hermsemer Addition. Hermsemer is one of the more densely populated parts of the affected Colbert Site. Some homes within Hermsemer have been offered clean water by installation of new mains. CLCC feels all within the addition deserve the same option. CLCC notes the precedent for this action in that Wilson Heights Addition and Open Air Addition as well as selected other areas have received access to water mains not for evidence of contamination but in anticipation of contamination. Hermsemer is contaminated!! *alt water*

7 CLCC is concerned about lack of language protecting future homeowners who wish to drill wells or current residents who may need additional well resources. Future generations of owners are simply left without adequate protection in the present decree. Language addressing this issue must be added to the decree. When the County charged with maintaining the public trust is in fact the co-defendant in the current action, simply referring the affected owners to present statutes, rules and laws for protection does not inspire much confidence. In addition there is a need for stronger language addressing wells currently contaminated. Due to the rural nature of the Colbert Site, some owners are much too far from any alternative source of clean water supply (ie. Whitworth Water). It would appear that some residents are simply left in limbo. *future water*



The final concern is the policy in the decree on recognition of water rights. It appears that only the rights granted prior to the Judge's final ruling will be honored. Given statements on record that the pilot study will be completed four years hence and given EPA/Ecology's best estimate of significant improvement in water quality to be twenty years in the offing, this restriction on the water rights cut-off date seems restrictive if not absurd. People will continue to need water resources during this period. A more appropriate plan might be to recognize application for rights and accept the priority date as more realistic, also extending the cut-off date at least until the pilot project has been completed.

We appreciate the fact that we have the right to comment on an issue which affects our health, our finances and our future.

Respectfully submitted,

(b) (6)



Chairperson, CLCC

cc

Mr. Mike Blum  
Mr. Neil Thompson  
Spokane County Commissioners  
Hon. Tom Foley  
Sen. Jerry Saling  
Rep. Shirley Rector  
Rep. Jean Silver  
Committee